

REMARKS

Claims 1-21 are presently pending in the application. Claims 1, 6, and 21 have been amended as to form. Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

The allowance of claims 6-10 is noted with appreciation.

The disclosure is objected to because of purported informalities. Claims 1 and 21 were rejected under 35 U.S.C. §112, second paragraph. Claims 1-5 and 11-21 were rejected under 35 U.S.C. §102(b) as anticipated by Baker, Jr. et al., U.S. Patent No. 4,949,373. This objection and these rejections are respectfully traversed.

THE OBJECTION TO THE DISCLOSURE

The Office Action objects to the specification, with the contention that at page 8, line 16, “A0” should be changed to “B0.” This contention and objection are traversed.

The relevant portion of the sentence involved at that point reads: “As shown in Fig. 2 except the transmission devices A0 and A1, each of the transmission devices A0 to C1 has a received data selecting and multiplexing section SEL/MUX, ...” Clearly that states that of the transmission devices A0 to C1, each has the listed components except the two transmission devices A0 and A1. To amend the sentence as suggested in the Office Action would result in the sentence stating that of the transmission devices B0 to C1, each has the listed components except the two transmission devices A0 and A1. However, the two transmission devices A0 and A1 are not included among the transmission devices B0 to C1. Thus, the proposed amendment would make no sense.

However, by the above amendment, the sentence has been amended to more clearly describe what is depicted in Figure 2 of the drawings.

It is accordingly submitted that the objection to the specification should be withdrawn.

THE REJECTION UNDER 35 U.S.C. §112

The Office Action implies, but does not explicitly state, that claims 1 and 21 are rejected under 35 U.S.C. §112 because there is a lack of antecedent for “the other transmission device” in each claim. This contention and any rejection based on it are traversed.

Prior to reciting “the other transmission device,” each of claim 1 and claim 21 recites “another transmission device”. That clearly is “the other transmission device”. “Another” is a contraction of “an other” which is the antecedent for “the other”.

Nevertheless, in each of claim 1 and claim 21 “the other transmission device” has been amended to “that other transmission device.”

If the Examiner persists in this rejection, he is requested to telephone the undersigned attorney to discuss the matter.

It is noted that each of claim 6 and claim 16 recites “the other transmission device,” and no rejection was made of those claims.

THE REJECTION UNDER 35 U.S.C. §102(b)

Claims 1-5 and 11-21 were rejected under 35 U.S.C. §102(b) as anticipated by Baker. This rejection is traversed.

The Claimed Invention

The claimed invention is directed to a load-dispersion duplex communication system, a load-dispersion duplex communication device, and a communication method for use by a load-dispersion duplex communication device. In exemplary embodiments of the invention, each transmission device is responsive to being in an allowable load state to perform a duplex operation with another transmission device and is further responsive to being in an overload state to perform a single and work-dividing operation with that other transmission device.

The Baker Reference

Baker discloses a method of selecting from a group of phone extensions the optimal phone extension to which to transfer a call and data terminal information associated with the call. See Baker's Abstract.

Argument

As set forth above, in exemplary embodiments of the invention, each transmission device is responsive to being an allowable load state to perform a duplex operation with another transmission device and is further responsive to being in an overload state to perform a single and work-dividing operation with that other transmission device. In contrast, Baker discloses a method of selecting from a group of phone extensions the optimal phone extension to which to transfer a call and data terminal information associated with the call.

The Office Action cites Baker at column 27, line 20 to column 33, line 33 as showing transmission devices responsive to being in an allowable load state to perform a duplex operation with another transmission device and further responsive to being in an overload

Serial No. 09/929,106
Docket No. N01289US
NIS.041

state to perform a single and work-dividing operation with the other transmission device.

This is incorrect.

Column 27, line 20 to column 33, line 33 of Baker is a section of the Baker patent that describes Baker's automatic call distribution load balancing. Baker describes how to balance the load on a plurality of telephones to which a call might be transferred.

The Office Action cites Baker at column 31, lines 32-39 as disclosing an overload state. That segment of Baker reads:

“Backup Dial Number

“This number is sent along with the reserved BFW/Pilot (primary) to the user program. If the primary number cannot be dialed because of problems in the lines or the network is overloaded, the backup number is dialed. The backup number is within the same CBX as the target pilot number.”
(Emphasis added.)

While this segment of Baker uses the word “overloaded,” it does not disclose or suggest a transmission device that is responsive to being in an overload state to perform a single and work-dividing operation with another transmission device. Instead, it states that when the network is overloaded, the backup number is dialed.

The claimed invention is not related to determining the devices involved in the transmission, as is Baker; instead the invention determines the type of transmission that takes place. Baker is not related to determining the type of transmission that takes place, as is the claimed invention; instead, Baker determines the devices involved in the transmission.

The claimed invention and Baker relate to two entirely different aspects of communication. It is accordingly submitted that the claimed invention distinguishes patentably from Baker and is allowable.

Serial No. 09/929,106
Docket No. N01289US
NIS.041

THE CLAIM FOR PRIORITY

On the Office Action Summary page, the box is marked to acknowledge the claim for foreign priority, and the box is marked to indicate “All,” but no box is marked to indicate what certified copies have been received. Thus, the acknowledgement is incomplete. To assure that the record is complete and accurate, it is requested that a full acknowledgement of receipt of the priority application be provided.

CONCLUSION

In view of the foregoing, Applicant submits that all of the grounds for objection and rejection have been overcome, and that claims 1-21, all the claims presently pending in the application, are patentably distinct over the prior art of record and are allowable. Accordingly, the application is in condition for allowance. Such action would be appreciated.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned attorney at the local telephone number listed below to discuss any other changes deemed necessary for allowance in a telephonic or personal interview.

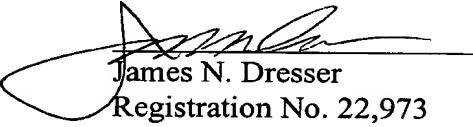
To the extent necessary, Applicant petitions for an extension of time under 37 CFR §1.136. The Commissioner is authorized to charge any deficiency in fees, including

Serial No. 09/929,106
Docket No. N01289US
NIS.041

extension of time fees, or to credit any overpayment in fees to Attorney's Deposit Account
No. 50-0481.

Respectfully Submitted,

Date: September 14, 2005


James N. Dresser
Registration No. 22,973

**MCGINN INTELLECTUAL PROPERTY
LAW GROUP, PLLC**
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254